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II-A-1055
81-02-21

Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207 503/229-6085

April 17, 1981

Director, Standards and Regulations Division
Attention ONAC Docket 81-02 (Medium and Heavy Trucks)
ANR-490
U.S. EPA
Washington, DC 20460

Re: ONAC Docket 81-02

Sirs:

On September 23, 1981 William H. Young, Director of this agency, wrote the Administrator of his concerns regarding the International Harvester petition to rescind the 80 dBA standard for newly manufactured medium and heavy trucks. Please add Mr. Young's letter, as enclosed, to the docket.

We are aware of increasing pressure from the truck manufacturing industry to rescind EPA's 80 dBA noise emission standards for newly manufactured medium and heavy trucks. We were not pleased when the Federal standards were initially approved, as they fell short, in both emission limits and effective dates, of documented needs. The preemptive nature of these standards also provided the industry desired isolation from many state and local standards that were, or would be, effectively controlling this noise source. The above leads us to believe the Federal government is not effectively regulating this product.

When Oregon established new product truck standards in 1974, we found that most manufacturers had little difficulty in reducing from the 86 dBA standard for 1975 models to the 83 dBA limit for 1976 models. However, in 1975 we were petitioned to rescind the 83 dBA standards for various reasons, including lack of environmental benefit, increased operating costs and increased manufacturing costs. This petition was rejected after analysis of the petitioner's data in comparison to our research and EPA data.

The time to move to the next step in the regulatory schedule is long due. Oregon regulations required an 80 dBA limit be met by 1979. Several other states and localities also had approved standards that would have reduced truck noise levels to the 80 dBA limit within a similar time frame.

It is clearly evident from EPA data and analysis on this source, that the 80 dBA, and even lower, standard is fully justified to protect the public health and welfare and technically achievable using reasonably available control technology. To consider rescission of the 80 dBA limit, while retaining the 83 dBA limit, does nothing but usurp the authority and ability of states and localities to control this major source of environmental noise.

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We strongly oppose the rescission of the 80 dBA standard. However, if EPA decides to withdraw the 80 dBA limit, it should also rescind all noise emission standards and regulations pertaining to newly manufactured medium and heavy trucks in order to allow Oregon and other states and localities to control this noise source in a manner they see fit.

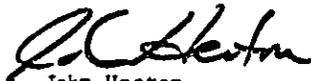
The need for total regulation rescission will be mandatory if the present plan to phase out EPA's noise control is accomplished. Without staff to monitor and enforce these regulations, it is foolish to believe that compliance among all manufacturers will be continued on a voluntary basis.

We have also reexamined the EPA standards for truck mounted solid waste compactors. Although this noise source is often identified as a major community noise problem, the EPA noise emission limits do little to reduce the magnitude of the problem. In our comments to the docket, dated November 23, 1977, we recommended a final standard of 60 dBA at 7 meters in order to provide adequate protection to the public during late night/early morning hours. Naturally, the approved EPA standards did not meet that recommendation, nor is it clear that such a limit could be met.

Based on the above, and with the wide difference between the 76 dBA standard and our recommended 60 dBA goal, we now believe this noise source should not be controlled using product noise emission limits. An effective method to limit noise impacts to the public, primarily sleep disturbance, can be achieved through local administrative controls that regulate the operating times and locations of garbage trucks. Such controls will also limit noise impacts caused by clanking cans and shouting personnel during collection operations that are outside the EPA noise standards.

In summary, the garbage truck regulations should be rescinded as they do not effectively control noise impacts caused by their operations, and the burden of this rule outweighs its benefit.

Sincerely,



John Hector
Program Manager
Noise Pollution Control

JH:pw
Enclosure



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

September 23, 1980

The Honorable Douglas M. Costle
Administrator
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Re: International Harvester Petition
to Rescind Noise Regulation

Dear Mr. Costle:

We are aware that International Harvester has submitted a petition to rescind noise emission limits for medium and heavy trucks scheduled to reduce from the current standard of 83 dBA to 80 dBA in 1982.

Oregon adopted noise emission standards for the sale of new trucks in 1974. These regulations contained a schedule reducing emissions to 86 dBA in 1975, a reduction to 83 dBA in 1976 and a final reduction to 80 dBA in 1979. Subsequent to the approval of Federal standards, Oregon's standards were amended to be consistent with the preemptive EPA regulations.

Adoption of the Oregon standards was supported by data showing the ability of industry to build trucks that emitted noise levels substantially below 80 dBA. Secondly, and most important, is our charge to protect the public health, safety and welfare from excessive noise emissions. Trucks are a significant source of noise due to their high emission level and their operational mode which requires the vehicle to operate near the maximum emission level a large portion of the time.

EPA's originally proposed standards included a final limit of 75 dBA for 1983 trucks. We supported that proposal, however, the final rule did not regulate below the 80 dBA limit now being challenged. Nevertheless, the adopted EPA rule did regulate trucks to the same final emission limit as the Oregon rule.

We do not agree with International Harvester's contention that the current 83 dBA standard has reduced community noise levels to such an extent that the 80 dBA limit would have "only a minimal effect." Oregon law required, prior to Federal preemption, that new trucks meet a 80 dBA limit. Nothing has modified our belief that this level of control is necessary to protect the public health and welfare. We hope

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you find little merit in the petition submitted by International Harvester, as we have.

Sincerely,

William H. Young

WILLIAM H. YOUNG
Director

JH:pw

cc: Mr. Neil Goldschmidt, Secretary, Department of Transportation
Mr. James T. McIntyre, Director, Office of Management and Budget
Mr. Alfred E. Kahn, Chairman, Council of Wage and Price Stability
Mr. Stuart E. Eizenstat, Assistant to the President, Domestic Policy Staff
Mr. Philip M. Klutznick, Secretary, Department of Commerce

SEND ANR-490

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